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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,414	11/10/1999	ALEKSANDER SZLAM	CONCERTO-500AAX	7944
28452	7590	09/25/2008	EXAMINER	
BOURQUE & ASSOCIATES INTELLECTUAL PROPERTY ATTORNEYS, P.A. 835 HANOVER STREET SUITE 301 MANCHESTER, NH 03104			SING, SIMON P	
		ART UNIT	PAPER NUMBER	
		2614		
		MAIL DATE		DELIVERY MODE
		09/25/2008		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/437,414	SZLAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SIMON SING	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 July 2008.

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 74-82 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 74-82 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 74-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckle et al. US 5,153,909 in view of Oliphant et al. US 4,881,261.

1.1 Regarding claim 74, Beckle discloses a method in an automatic call distribution (ACD) system, comprising:

processing inbound calls, such as assigning agents to answering incoming calls (column 1, lines 20-25);

processing outbound calls, such as assigning agents to placing outgoing calls (column 1, lines 20-25);

obtaining a statistic on said inbound and outbound calls, such as queue length (waiting time) (column 1, lines 25-30); and

adjusting calls processing, by relocating agents from one call (inbound or outbound) to another call (outbound or inbound), based on said statistic (column 1, lines 20-41; figure 11; column 6, line 67 to column 7, line 2).

Beckle teaches processing statistical data, such as waiting time in a queue, and relocating (adjusting) agents from one call to another based on the statistic to control queue length, but fails to specifically teach adjusting said processing of inbound calls based on the statistic of said outbound calls.

However, Oliphant teaches an ACD system for both inbound and outbound calls (column 3, lines 13-16) with inbound and outbound queues (column 1, lines 42-45; column 7, lines 19-22), and keeping a group of agents busy to minimize waiting period on an outbound queue (column 1, lines 6-10). Oliphant further teaches that agents have no clients to call are assigned to the inbound queue (column 5, lines 11-15), to minimize waiting period of an inbound queue by re-assigning available secondary agents to the inbound queue when incoming calls cannot be handled immediately (column 1, lines 34-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Beckle reference with the teaching of Oliphant, so that when agents who were normally busy for handling outbound calls became idle (outbound statistic indicated less, or no outgoing calls taking place), and incoming calls could not be answered immediately, the idled agents would have been re-assigned to handle the inbound calls based on the statistic of outbound calls. The motivation of such a modification was to keep all agents busy to improve productivity and to improve customer satisfaction by reducing waiting time in a queue.

1.2 Regarding claim 75, Beckle teaches connecting agents to inbound calls and outbound calls, and it would have been obvious to relocate agents, i.e. to reduce number of agents assigned to the inbound call, and to increase the number of agents assigned to the outbound calls if the requirement to handle inbound call and outbound calls were reversed (more outbound calls than inbound calls).

1.3 Regarding claim 76, as discussed in claim 74, Beckle teaches obtaining call statistics on both inbound calls and outbound call based on waiting time of inbound and outbound queues (column 1, lines 20-31), and it would have been obvious to relocate agents, i.e. to reduce number of agents assigned to the inbound call, and to increase the number of agents assigned to the outbound calls if the inbound and outbound calls statistics were reversed (more outbound calls than inbound calls).

1.4 Regarding claims 77 and 80, Beckle discloses a method in an automatic call distribution (ACD) system, comprising:

processing inbound calls, such as assigning agents to answering incoming calls (column 1, lines 20-25);

processing outbound calls, such as assigning agents to placing outgoing calls (column 1, lines 20-25);

obtaining a statistic on said inbound and outbound calls, such as queue length (waiting time) (column 1, lines 25-30); and

adjusting calls processing, by relocating agents from one call (inbound or outbound) to another call (outbound or inbound), based on said statistic (column 1, lines 20-41; figure 11; column 6, line 67 to column 7, line 2).

Beckle teaches processing statistical data, such as waiting time in a queue, and relocating (adjusting) agents from one call to another based on the statistics to control queue length, but fails to specifically teach adjusting said processing of outbound calls based on the statistic of said inbound calls.

However, Oliphant teaches an ACD system for both inbound and outbound calls (column 3, lines 13-16) with inbound and outbound queues (column 1, lines 42-45; column 7, lines 19-22), and to minimize waiting period of an inbound queue by re-assigning available secondary agents to the inbound queue when incoming calls cannot be handled immediately (column 1, lines 34-45). Oliphant further teaches agents not working on the inbound queue are assigned to the outbound queue (column 5, lines 11-17), and keeping a group of agents busy to minimize waiting period on an outbound queue (column 1, lines 6-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Beckle reference with the teaching of Oliphant, so that when the obtained statistic indicating that heavy volume of outbound calls and light volume of inbound calls, agents originally assigned to the inbound calls (inbound queue) would have been re-assigned to handle the outbound calls (outbound queue) based on the statistic of inbound calls. The motivation of such a modification

was to keep all agents busy to improve productivity and to improve customer satisfaction by reducing waiting time in a queue.

1.5 Regarding claims 78 and 81, Beckle teaches initiating outbound calls and taking inbound calls. It would have been obvious to relocate agents, i.e. to reduce number of agents assigned to the outbound call, and to increase the number of agents assigned to the inbound calls if the requirement to handle inbound calls and outbound calls were reversed (more inbound calls than outbound calls).

1.6 Regarding claims 79 and 82, as discussed in claim 77, Beckle teaches initiating outbound calls and taking inbound calls, and obtaining call statistic based on waiting time of inbound and outbound queues (column 1, lines 20-31). It would have been obvious to relocate agents, i.e. to reduce number of agents assigned to the outbound call, and to increase the number of agents assigned to the inbound calls if the inbound and outbound calls statistics were reversed (more inbound calls than outbound calls).

### ***Response to Arguments***

2. Applicant's arguments filed on 7/31/2008 have been fully considered but they are not persuasive.

Applicant contends that Beckle fails to teach inbound queues and outbound queues. Examiner respectively disagrees. Beckle teaches incoming calls and outgoing calls, calls waiting in a queue (column 1, lines 25-30), and call queue length (column 1,

lines 35-41). Beckle also teaches assigning agents from one call queue to another (column 6, lines 67 to column 7, line 2). Since there are incoming calls and outgoing call, assigning agent from one call queues to another, it is obvious if not inherent that agents are re-assigned from an incoming (or outgoing) call queue to an outgoing (or incoming) call queue.

Applicant further contends that neither Beckle nor Oliphant teaches assigning agent from one call queue (outbound) to another (inbound) is based on the statistic of the one call queue. As stated in the rejection above, Oliphant teaches keeping agents assigned to outbound call busy, and when an agent working on the outbound call becomes idle, the agent can be re-assigned to handle inbound calls based the availability of the agent, i.e. statistic of the outbound call; or when an agent working on the inbound call becomes idle, the agent can be re-assigned to handle outbound calls based the availability of the agent, i.e. statistic of the inbound call (column 5, lines 11-17). Therefore, it is obvious that agents can be re-assigned to handle inbound calls when fewer agents are required to handle the outbound calls (based on the statistic on outbound calls), or be re-assigned to handle outbound calls based on the statistic on inbound calls (fewer agents are required to handle the inbound calls).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (571) 272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614

/Simon Sing/

Examiner, Art Unit 2614

09/18/2008